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PATENT
Attorney Docket No. 81974

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
PRATAP MALIK)
)
Serial No.: 09/779,984)
)
Filed: February 9, 2001)
)
For: A PREPARATION FOR USE IN)
CELL CULTURE IN WHICH)
AN INTERFERING COMPOUND)
IS ABSENT OR DEPLETED)

Group Art Unit: 1644

Examiner: D. Saunders

Box Non-Fee Amendment
Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In an Office Action dated September 27, 2002, in the above-identified patent application, the Patent Office communicated the following election of invention requirement:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-7, drawn to a cell culture medium deficient in a compound, classified in class 435, subclass 404+.

elected group → II. Claims 8-30, drawn to methods of preparing a cell culture medium/eluant, classified in class 435, subclass 404+ and class 530, subclass 413+.

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Adjustment date: 04/17/2003 EEKUBAYI
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In response to the foregoing election of invention requirement, Applicant respectfully elects

Group II, claims 8-30.

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In addition to the foregoing election of invention requirement, the Patent Office also communicated the following election of species requirement in the outstanding Office Action:

This application contains claims directed to the following patentably distinct species of the claimed invention:

In the event Group I is elected the embodiments in which the compound is a serum antibody, a cytokine, a hormone, a growth factor, a peptide, serum albumin, an MHC binding protein fragment/peptide, viral antigens, bacterial antigens, a complement protein.

In the event Group II is elected the embodiments in which the first protein/cell culture product is a monoclonal antibody, a cytokine, a growth factor, an MHC protein; or in which the second protein/compound is a polyclonal serum antibody, a cytokine, an MHC binding protein or fragment, a growth factor.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 3, 8-15, and 18-22 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

*Elected
current of
species*

In response to the foregoing requirement, Applicant respectfully elects the species in which "the first protein/cell culture product" is a monoclonal antibody and in which "the second protein/compound" is a polyclonal serum antibody. Claims 8-16, 18-23 and 27 are readable on the elected species.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

Kriegsman & Kriegsman

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Dated: October 28, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Non-Fee Amendment, Commissioner for Patents, Washington, D.C. 20231 on October 28, 2002

Edward M. Kriegsman

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Reg. No. 33,529

Dated: October 28, 2002